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C O N F I D E N T I A L SECTION 01 OF 04 PRETORIA 000607

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SUBJECT: CIVIL SOCIETY CRITICIZES SOUTH AFRICA'S PEER
REVIEW PROCESS

REF: PRETORIA 606

Classified By: Deputy of Chief of Mission Donald Teitelbaum. Reasons 1.
4(b) and (d).

11. (SBU) SUMMARY AND INTRODUCTION. South Africa is in the final stages of its African Peer Review Mechanism (APRM) process. The South Africa APRM review has been mired in controversy, with civil society organizations arguing that the South African Government (SAG) exerted too much control over the review and content of the self assessment report. These groups criticized the appointment of Minister for Public Service and Administration Geraldine Fraser-Moleketi as the APRM national coordinator, recommending instead that someone independent should have led the review process (as was done in Ghana and Kenya). Under pressure to open the process, the SAG asked four independent research institutions to help draft the Country Self-Assessment Report, but then edited out criticisms on issues such as crime and corruption.

The Heads of State African Peer Review Forum, held on January 28 in conjunction with the African Union Summit in Addis Ababa, was scheduled to review South Africa's Country Review Report for South Africa, but deferred consideration until July 2007 because of late changes to the country's Programme of Action. This ignited rumors that the SAG was trying to "fix" the report, although it appears the delay was largely logistical.

12. (C) The APRM Secretariat's 318-page South Africa Country Review Report, drafted by APRM experts led by Nigerian academic Adebayo Adediji, deals directly with a number of sensitive political issues. (NOTE: Post received a copy of the confidential report, emailed to AF/S, from a think tank analyst who obtained it from a member of the South African National Governing Council. END NOTE.) Experts who have seen the report believe it is the most candid and forthright of the four reviews drafted to date. The report highlights key SAG achievements, such as expanded access to electricity and water, a model constitution, and sound economic management. It also identified critical challenges in the area of crime ("a major problem"), corruption ("incipient and creeping"), education ("severe skills shortage"), and xenophobia against other Africans ("on the rise"). In our view, the report represents a generally balanced, thoughtful analysis of the challenges facing South Africa thirteen years

after apartheid. Despite the criticisms of the sometimes heavy-handed government role in the process, we believe peer review in South Africa has largely been a success, generating a healthy debate between civil society, the media, and government on the key challenges facing the country. END SUMMARY AND INTRODUCTION.

Government-Led Process

¶3. (U) The African Peer Review Mechanism (APRM) is a voluntary process by which African countries analyze their progress toward good governance and subject themselves to independent "peer review," with the goal of "reinforcing successful and exemplary practices among African countries." APRM is perhaps the most developed and innovative component of the New Partnership for Africa's Development (NEPAD) (reftel).

¶4. (U) South Africa played a leading role in the creation of the APRM and was one of the first African countries to sign up for review in March 2003. In early 2005, President Mbeki appointed Minister for Public Service and Administration Geraldine Fraser-Moleketi as the "APRM Focal Point" and Chair of the National Governing Council to manage the review process. Several civil society organizations, including the South African Nongovernmental Coalition (SANGOCO) and the Public Service Accountability Monitor (PSAM), criticized the appointment of Fraser-Moleketi, arguing that it was a conflict of interest to have a government minister lead the self assessment. They maintained that someone outside

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government should serve as the coordinator, as was done in Ghana and Kenya. Fraser-Moleketi appointed a 15-member APRM National Governing Council (NGC) and budgeted approximately USD 3 million for its self assessment.

¶5. (U) South Africa launched the formal APRM review with a National Consultative Conference on APRM, held September 28-29, 2005. The National Governing Council (NGC) simplified and translated the APRM questionnaire into the country's eleven national languages, created provincial committees to provide information, and conducted a sophisticated media campaign, including creating an APRM song, to deliver the message. An APRM Country Support Mission visited South Africa November-December 2005 to assess the process and make recommendations.

Country Self Assessment Watered Down

¶6. (U) Throughout the assessment process, South Africa was under pressure from civil society groups to include more independent voices in the process. In response, the NGC expanded the Council's size to 29 members, the majority of which were held by civil society. However, a number of these groups were closely aligned to the SAG. The NGC also selected four "technical agencies" to review the wide range of input and draft the Country Self Assessment Report. The four agencies along with their focus were: the Institute for Democracy in South Africa (IDASA) -- Democracy and Good Political Governance, the South African Institute for International Affairs (SAIIA) -- Economic Governance and Management, the African Institute of Corporate Citizenship (AICC) -- Corporate Governance, and the Institute for Economic Research on Innovation (IERI) -- Socio-Economic Development.

¶7. (U) When the SAG received the draft prepared by the four technical agencies, Fraser-Moleketi's office condensed the report for the final Country Self Assessment Report by editing out or glossing over some of the strongest criticisms of the SAG's record on issues such as corruption, crime and

lack of government accountability. IDASA,s Paul Graham criticized the revisions, arguing that "a substantial amount of the texture of the debates was lost." According to SAIIA,s Ross Herbert, the text was "dramatically reviewed to remove many issues and cut out nearly all supporting detail and quotations." However, the report did include some criticisms of the SAG,s record, particularly on HIV/AIDS and violence against women. South Africa formally submitted its Country Self Assessment Report and National Programme of Action in June 2006 to the APRM Secretariat.

APRM Report Highlights Challenges

18. (C) The APRM Country Review Mission, a 22-member team led by Nigerian Professor Adayo Adedeji, visited South Africa July 9-25, 2006. The team met a wide range of South Africans, including the President, cabinet ministers, provincial officials, civil society groups, media, academia and political parties. It also met with the four "technical agencies" that drafted the initial self-assessment report. The draft of their 318-page Country Review Report, which has not been publicly released, was sent to the SAG in November 2006 in preparation for the planned presentation at the AU Summit in Addis Ababa. The report is significantly more critical of the SAG than its own self-assessment and is the most candid of the four final reports to date. It touches on several sensitive political issues:

-- The report lauds South Africa's "genius" constitutional arrangement and the country's "courageous resolution to confront the past and overcome its pains." It criticizes the practice of floor crossing, which allows members of parliament to switch parties, arguing that it "could

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potentially undermine political pluralism and consolidation of democracy." The report also raises concerns about the unregulated private funding of political parties, which is "likely to distort the institutionalization of constitutional democracy," and urges the SAG to "rethink and innovate the proportional representation system to ensure that the development and consolidation of constitutional democracy is not hindered," including consideration of combining the party-list with a district-based electoral system.

-- The report identifies crime as a "major problem" in the country, particularly "the extreme use of violence." It notes that crime has a "pronounced effect on South African society" which "demands an integrated approach." Violence against women is "prevalent."

-- The report commends South Africa's strong commitment to gender equality, both in the legal framework and in practice. South Africa's judiciary is given high marks as "independent and free from executive domination," although greater efforts should be made to increase black representation on the bench.

-- The lack of capacity and skills in government is a consistent theme. The report is critical of South Africa's education system, noting that it is "failing to provide school-leavers with the skills and competencies they need to contribute more constructively to the economy."

-- The report gives South Africa's economic management positive reviews, noting that the SAG has "restored and maintained macroeconomic stability after decades of isolation and economic sanctions." The report acknowledges that the SAG is "doing its best in ensuring that the socio-economic imbalances of the past are addressed." It highlights the "emerging widening and deepening socio-economic inequalities within the black communities, a post-1994 phenomenon and the consequences of the black economic empowerment." It criticizes "incipient and creeping corruption" and calls for an "integrated," national approach with a "supreme,

independent corruption-fighting body."

-- The report identifies xenophobia, especially against "black people coming from other African countries" as a growing problem that must be addressed.

-- Land "remains a potentially explosive issue in South Africa." While the report commends the SAG for its "considered" and "reasonable" land policies, it urges accelerating reforms.

-- On HIV/AIDS, the report is relatively positive on the new South African HIV/AIDS strategy, welcoming the "appropriate steps being taken to bring about change in the response to HIV/AIDS prevention and treatment."

¶9. (SBU) The report also identifies eighteen specific "best practices" that should be emulated by other countries, including the creation of multi-purpose community centers as "one stop, integrated community development centers;" the holding of "imbizos" where senior government ministers, including the President, meet the public; the budget formulation and implementation process; the impressive taxation system, which has resulted in revenue growth and increased compliance; and the dramatic expansion in provision of basic services, citing the provision of electricity to some four million households that previously had no access.

Report Consideration Delayed

¶10. (C) The South African Country Review Report, long-planned to be debated by the APR Heads of State Forum in Addis Ababa in January, was pulled from consideration at the last minute.

This ignited rumors that the SAG was trying to revise the report to eliminate criticisms. The actual explanation is more mundane, according to APRM Secretariat head Bernard

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Kouassi. Kouassi told PolOff February 9 that the SAG presented a new Programme of Action to the APRM Secretariat on January 15 -- the deadline they were given -- but this left too little time to translate the Programme of Action into French and receive the approval of the full APR Panel of Eminent Persons.

¶11. (C) Regardless of the technicalities, SAIIA's Ross Herbert blames the SAG for the delay, noting that the original Programme of Action was extremely vague. The South Africans waited until the last minute to send the Secretariat their new plan, which led to the delay in consideration. Herbert is quite critical of the SAG performance on the review, arguing that they did not approach the process seriously since they believed they were "superior" to other African countries. SAG officials involved in APRM have been quite surprised, Herbert said, by both the criticisms of the process and the rather blunt critiques in the APRM report.

Comment

¶12. (C) SAG's handling of the process illustrates its hypersensitivity to outside criticism. In general, the SAG has performed well since 1994 with a few notable exceptions like HIV/AIDS and crime, especially compared to its African "peers." The SAG should have welcomed the peer review as an opportunity to highlight its successes. Instead, the government tried to control -- even manipulate -- the process by editing out criticisms in its self-assessment, generating strong criticism from civil society and the press.

¶13. (C) On the report itself, the press has focused on the criticisms of the SAG, but we find the report's conclusions to be generally balanced and fair. The peer review process in South Africa has certainly ignited debate about the key

challenges facing the country. In that sense, the process has succeeded in achieving one of its key objectives.
BOST